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EXAMINER

AKLILU, KIRUBEL

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,409

Applicant(s)

SCHRADER ET AL.

Examiner

Kirubel Aklilu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/27/03;12/12/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims **1-20** and **22-32** are rejected under 35 U.S.C. 102(a) as being anticipated by Ward et al (WO 00/33576).

1. As for **Claim 1**, Ward et al. teach a method for delivering enhanced broadcast television content (see Ward et al. page 3 lines 3-7 “the present system and method is directed to an interactive television schedule system having a television apparatus equipped with an interactive electronic guide which provides additional services besides television program schedule information”) comprising the steps of:

delivering a plurality of television programs over a first broadcast channel (see page 6 lines 6-9 “The PIP window 172 displays real time broadcast programs or pre-recorded video clips produced by the PIP chip 140.” And page 6 lines 23-27 “In addition to the program titles, the grid guide 22 includes advertisement titles 190 with virtual channel advertisements. A virtual channel ad may promote, for instance, a current or future television program.”);

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while the plurality of television programs are being delivered, creating a plurality of indicators associated with events that occur in selected ones of the plurality of television programs (see fig. 5A unit 180b NEWS icon and page 6 line 36 – page 7 line 13 “The news button 180b appears upon receipt of a NewsGuide service definition packet transmitted prior to the delivery of any article data packets. FIGs. 5A- 5C are illustrations of the EPG screen 170 upon actuation of the news button 180b . . . highlighting one of the headlines causes the information box 184 to display a portion of a text of a news article associated with the highlighted headline”. And fig. 5B unit 200, 202, and 204, page 7 lines 30-37 “If a television program broadcast presently or in the future is related to a news article, the corresponding headline tile includes a television icon 200 **indicating** the existence of such a program . . . The viewer may further be alerted about the links via other visual or audio **indicators**”. News button 180b, the headline titles of Fig. 5A and units 200, 202, and 204 are interpreted to be indicators associated with events that occur in selected television programs.);

assigning an identifier to at least ones of the indicators, the identifier associating said indicators with a respective one of said plurality of television programs (see page 6 lines 30-35 “According to one embodiment of the invention, news headlines and related articles to be stored in the news database are transmitted in data packets through the VBI lines of a television channel broadcast line with the corresponding IDs. The IDs depict the service and provider from where the articles emanate.” The IDs are interpreted to be the

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identifiers assigned the indicators which associate said indicators with the respective television programs); and

delivering the indicators and associated identifiers to at least one client system (see page 6 lines 30-35 "According to one embodiment of the invention, news headlines and related articles to be stored in the news database are transmitted in data packets through the VBI lines of a television channel broadcast line with the corresponding IDs. The IDs depict the service and provider from where the articles emanate.").

2. As for **Claim 2**, Ward et al. teach the indicators and associated data are transmitted over a second broadcast channel (See page 9 lines 28-32 "After a game is over, the information box 184 displays wrap-up information about the game. The guide further allows the viewer to view clips of highlights of the game . . . the clip may be transmitted via a dedicated channel upon selection of the highlights icon 210." When a dedicated channel is used to transmit the enhanced data, it is interpreted that the indicators and associated data are transmitted over a second broadcast channel).

3. As for **Claim 3**, Ward et al. teach said indicators and associated identifier are transmitted in the first broadcast channel (see page 6 lines 30-35 "According to one embodiment of the invention, news headlines and related articles to be stored in the news database are transmitted in data packets through the VBI lines of a television channel broadcast line with the corresponding IDs. The IDs

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depict the service and provider from where the articles emanate.” When the enhanced related data is transmitted using the VBI lines of the television channel, it is interpreted that the indicators and associated identifiers are transmitted in the first broadcast channel).

4. As for **Claim 4**, Ward et al. teach: assigning a priority level to the indicators, the priority level corresponding to a time at which indicators are to be transmitted to said at least one client system (see page 7 lines 14-16 “The headlines are ordered by display priority from newest (top) to oldest (bottom) based on the date/time of the receipt of the headline”).

5. As for **Claim 5**, Ward et al. teach said identifier is a unique event identifier associated with a televised sporting event (See page 8 line 35 – page 9 line 4 “According to one embodiment, scores of various sporting events and other sports related information to be stored in the sports database are transmitted in data packets through the VBI lines of a television channel broadcast along with their corresponding IDs. The IDs depict the service and provider from where the sports related information emanates” It is interpreted that the IDs are unique event identifiers associated with a television sporting event).

6. As for **Claim 6**, Ward et al. teach said indicators correspond to real-time events occurring in one of a plurality of televised sporting events (see page 9 lines 5-18 “The sports button 180c appears upon receipt of a SportsGuide

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service definition packet transmitted prior to the delivery of any sports related data packets . . . A game currently in progress 182b has associated with it a scoreboard with the name and/or logo of a home team appearing on the top row” Indicator 180c corresponds to a game currently in progress with live scoreboard, which is interpreted to be a real-time event that occurs in one of a plurality of televised sporting events).

7. As for **Claim 7**, Ward et al. teach said indicators correspond to the delivery of an alert that an event is about to occur in one of said plurality of televised sporting events (see page 11 lines 28-32 “According to one embodiment, a viewer tuned to a game may switch to a different channel upon the start of a commercial. When the commercials are over and the game has resumed, the viewer is alerted to this fact either visually or by audio. The viewer may then manually switch back to the channel broadcasting the game, or the television may be configured to automatically tune to the channel” The alert indicates that the game is about to occur after the commercials are done).

8. As for **Claim 8**, Ward et al. teach said alert is a tunable alert (see page 11 lines 30-32 “When the commercials are over and the game has resumed, the viewer is alerted to this fact either visually or by audio. The viewer may then manually switch back to the channel broadcasting the game, or **the television may be configured to automatically tune to the channel**” The alert is a

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tunable alert when the television is automatically configured to tune to the channel showing the sporting event).

9. As for **Claim 9**, Ward et al. teach said alert is capable of invoking an action when delivered to a client system (see page 11 lines 30-32 "When the commercials are over and the game has resumed, the viewer is alerted to this fact either visually or by audio. The viewer may then manually switch back to the channel broadcasting the game, or **the television may be configured to automatically tune to the channel**" The automatically tuning of the channel is an action invoked by the alert on the client system).

10. As for **Claim 10**, Ward et al. teach said plurality of televised sporting events corresponds to broadcast televised football programming (see page 9 line 37 – page 10 line 1 "if the viewer is most interested in football scores, he could select to have all the football scores displayed first").

11. As for **Claim 11**, Ward et al. teach at least one of said indicators correspond to sports television programming currently in progress (see page 9 lines 16-21 "A game currently in progress 182b has associated with it a scoreboard with the name and/or logo of a home team appearing on the top row . . .").

12. As for **Claim 12**, Ward et al. teach said identifier is a unique event identifier associated with a televised music event (see Fig. 4 unit 190 MTV Spice Girls

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Concert Tonight. Unit 190 is a unique event identifier associated with a televised music event).

13. As for **Claim 13**, Ward et al. teach said identifier is a unique event identifier associated with one of a plurality of televised movies (see Fig. 4 unit 182 SHOW "Walking Tall". Channel SHOW and movie title "Walking Tall" are unique event identifiers associated with a televised movie).

14. As for **Claim 14**, Ward et al. teach said identifier is a unique event identifier associated with a televised news items (see Fig. 4 unit 182 WCVB5 "Prime Time Live". Channel WCVB5 and news title "Prime Time Live" are unique event identifier associated with a televised news item).

15. As for **Claim 15**, Ward et al. teach a method for creating a data stream associated with televised sporting events (see page 8 line 34 – page 9 line 4 "according to one embodiment, scores of various sporting events and other sports related information to be stored in the sports database are transmitted in data packets through the VBI lines of a television channel broadcast along with their corresponding IDs") comprising the steps of:

generating first event-based content associated with a first one of a plurality of televised sporting events (see Fig 6, the score board of the base ball teams is the first event-based content associated with one of a plurality of televised sporting events. Unit 212 shows plurality of sporting events such as

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baseball, basketball, football etc. The corresponding scores for each sport is the event-based content associated with the sporting event);

associating the first event-based content with a first event identifier (see Fig. 6, icons 212 Baseball is an event identifier associated with the baseball scoreboard shown inside unit 182);

assigning a first priority to said first event-based content (see page 5 lines 5-11 "the sporting categories are organized based in the sporting season. During basketball season, all the basketball scores are displayed first" It is interpreted that a priority is assigned based on what sports season it is which determines the order the scores are displayed);

creating a first data packet including the first event-based content and the first event identifier (see page 8 line 34 – page 9 line 4 "according to one embodiment, scores of various sporting events and other sports related information to be stored in the sports database are transmitted in data packets through the VBI lines of a television channel broadcast along with their corresponding IDs" It is interpreted that data packets are created that include the first event-based content (for example the baseball scoreboard) and the first event identifier (for example the Baseball team identifier "Yankees" and "Mets"));

generating second event-based content associated with a second one of a plurality of televised sporting events (see Fig. 6, unit 212 "BasketBall" is interpreted to be a second event-based content associated with one of a plurality of televised sporting events);

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associating the second event-based content with a second event identifier (Unit 212 "Basketball" is interpreted to be event identifier associated with the second event-based content);

assigning a second priority to the second event-based content (see page 5 lines 5-11 "the sporting categories are organized based on the type of sports watched most often by the viewer, or based on the type of sporting event most often selected from the sports guide" It is interpreted that a second priority is assigned to the second event-based content based on how often the sporting event is viewed or selected);

creating a second data packet including the second event-based content and the second event identifier (see page 8 line 34 – page 9 line 4 "according to one embodiment, scores of various sporting events and other sports related information to be stored in the sports database are transmitted in data packets through the VBI lines of a television channel broadcast along with their corresponding IDs");

determining whether the first priority is greater than the second priority (It is interpreted that it is inherently determined whether the first priority level is greater than the second priority level in order to decide the order by which the scores are displayed); and

inserting the first data packet and then the second data packet into the data stream when the first priority is greater than the second priority (see page 8 line 34 – page 9 line 4 "according to one embodiment, scores of various sporting events and other sports related information to be stored in the sports database

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are transmitted in data packets through the VBI lines of a television channel broadcast along with their corresponding IDs” It is interpreted that the first data packet and then the second data packet are inserted into the data stream when the first priority is greater than the second priority because the first priority score will be displayed before the second priority score).

16. As for **Claim 16**, Ward et al. teach a television broadcast service providing dynamic information associated with a plurality of broadcast television programs concerning sporting events (see page 8 line 34 – page 9 line 4 “according to one embodiment, scores of various sporting events and other sports related information to be stored in the sports database are transmitted in data packets through the VBI lines of a television channel broadcast along with their corresponding IDs”. The scores are interpreted to be dynamic because in a live event, scores are dynamic) comprising:

a broadcast center for collecting a multiplicity of live data feeds associated with the sporting events (Ward et al. do not expressly teach a broadcast center for collecting the multiplicity of live data feeds, however it is inherent that a broadcast center does indeed collect the multiplicity of live data feeds associated with the sporting events because Ward et al. teach a client device receives a multiplicity of live data feeds associated with various sporting events. See Fig. 6 unit 182 Score board for two simultaneous base ball games between Yankees Vs Mets and Cubs Vs Red Sox);

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an event producer connected to the broadcast center assigning each of the data feeds one of a set of priority attributes, formatting the data feeds for a one-way broadcast transmission, sorting the data feeds according to their priority attributes, and outputting the sorted data feeds (Ward et al. do not expressly teach an event producer connected to the broadcast center assigning each of the data feeds one of a set of priority attributes, formatting the data feeds for a one-way broadcast transmission, sorting the data feeds according to their priority attributes, and outputting the sorted data feeds. However it is inherent that an event producer must be present in the system of Ward et al. because Ward et al. teach the client system can receive scores of sporting events according to a predetermined priority assignment. See page 5 lines 5-11 “the sporting categories are organized based on the type of sports watched most often by the viewer, or based on the type of sporting event most often selected from the sports guide”);

a content aggregator cascaded with the event producer for aggregating the output data feeds from the event producer and generating a stream of broadcast content based on the aggregated data feeds (see page 8 line 34 – page 9 line 4 “according to one embodiment, scores of various sporting events and other sports related information to be stored in the sports database are transmitted in data packets through the VBI lines of a television channel broadcast along with their corresponding IDs”. It is interpreted that a content aggregator that is in communication with the event producer generates the

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stream of broadcast content that is transmitted to the client devices using the VBI of the broadcast channels).

17. As for **Claim 17**, Ward et al. teach the broadcast content comprises real-time event notifications associated with the plurality of broadcast sporting events (see page 9 lines 5-18 "The sports button 180c appears upon receipt of a SportsGuide service definition packet transmitted prior to the delivery of any sports related data packets . . . A game currently in progress 182b has associated with it a scoreboard with the name and/or logo of a home team appearing on the top row" Indicator 180c corresponds to a game currently in progress with live scoreboard, which is interpreted to be a real-time event that occurs in one of a plurality of televised sporting events).

18. As for **Claim 18**, Ward et al. teach the broadcast content comprises alert notifications associated with the plurality of broadcast sporting events (see page 11 lines 28-32 "According to one embodiment, a viewer tuned to a game may switch to a different channel upon the start of a commercial. When the commercials are over and the game has resumed, the viewer is alerted to this fact either visually or by audio. The viewer may then manually switch back to the channel broadcasting the game, or the television may be configured to automatically tune to the channel" The alert indicates that the game is about to occur after the commercials are done).

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19. As for **Claim 19**, Ward et al. teach the alert notifications are tunable alert notifications (see page 11 lines 30-32 “When the commercials are over and the game has resumed, the viewer is alerted to this fact either visually or by audio. The viewer may then manually switch back to the channel broadcasting the game, or **the television may be configured to automatically tune to the channel**” The alert is a tunable alert when the television is automatically configured to tune to the channel showing the sporting event).

20. As for **Claim 20**, Ward et al. teach the alert notifications are capable of invoking an action when delivered to a client system (see page 11 lines 30-32 “When the commercials are over and the game has resumed, the viewer is alerted to this fact either visually or by audio. The viewer may then manually switch back to the channel broadcasting the game, or **the television may be configured to automatically tune to the channel**” The automatically tuning of the channel is an action invoked by the alert on the client system).

21. As for **Claim 22**, Ward et al. teach the event producer is capable of generating event log indices for at least one of the plurality of television programs, encapsulating the event log indices, and inserting the same into the data stream (see page 8 line 34 – page 9 line 4 “according to one embodiment, scores of various sporting events and other sports related information to be stored in the sports database are transmitted in data packets through the VBI lines of a television channel broadcast along with their corresponding IDs”. The

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IDs are interpreted to be event log indices that can be produced by the event producer and are encapsulated in the VBI lines of a television channel broadcast and transmitted in data stream to the client devices).

22. As for **Claim 23**, Ward et al. teach a system for delivering enhanced broadcast television content comprising:

a data provider disposed to create dynamic content associated with the broadcast television programs, to assign an event identifier to the dynamic content associating the dynamic content to one of the plurality of television programs, and to deliver the dynamic content together with the event identifiers as a data stream (see page 8 line 34 – page 9 line 4 “according to one embodiment, scores of various sporting events and other sports related information to be stored in the sports database are transmitted in data packets through the VBI lines of a television channel broadcast along with their corresponding IDs”. It is interpreted that a data provider is used to create a dynamic content associated with a broadcast television program such as a sports event, and name of the sports category or the names of the teams playing are interpreted to be event identifiers. See also Fig. 6 event identifiers unit 212 Sports Category and unit 182 Score Board); and

a broadcast server disposed to receive the data stream and to provide the data stream to one or more client systems (see page 15 lines 10-15 “the EPG data might be stored in one or more locations, such as on different servers accessible through a global communications network such as the Internet. In

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another embodiment, the EPG data is stored in a database data central location such as in a database that is part of the EPG provider's computer system").

23. As for **Claim 24**, Ward et al. teach the data provider creates an enhanced schedule of television programs including one or more program entries having an associated event identifier (see Fig. 6 EPG page 10 lines 25-28 "The sporting event tiles displayed in the grid guide 182 may include links to televised sporting events broadcast presently or in the future. Such links are indicated by a television icon 200a" Television icon 200a is interpreted to be an event identifier that is found in an enhanced schedule of television program of one or more programs. It is also interpreted that the data provider creates the enhanced EPG).

24. As for **Claim 25**, Ward et al. teach the broadcast server receives the enhanced schedule of television programs from the data provider, matches each of the program entries with local data including a tuner position and time slot appropriate for a given location, and provides the enhanced schedule and local data to one or more client systems (see page 12 lines 3 - 8 "As illustrated in FIGs 7A-7B, the viewer accesses the local information guide (hometown guide) of a particular geographical area by actuation of a hometown button 180d. According to one embodiment, information about local events, businesses, services, and products are transmitted in data packets through the VBI of a television channel broadcast along with their corresponding IDs" And also see page 14 lines 9-13

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"The viewer may record a linked television program by actuating a record action button 178b. If only a portion of the television program related to the hometown listings is to be recorded, the data stream of the television program may be tagged with a **flag at the section prior to the transmission of the segment to alert the VCR or tuner that the segment is to be transmitted**" the section where the flag is inserted is interpreted to indicate the tuner position and the time slot that is appropriate to the hometown to alert the VCR to record the particular section of the program, or for the tuner to tune to the particular section of the program).

25. As for **Claim 26**, Ward et al. teach the data provider creates dynamic content associated with televised sporting events (see page 9 lines 16-21 "A game currently in progress 182b has associated with it a scoreboard with the name and/or logo of a home team appearing on the top row . . ." It is interpreted that a data provider creates the dynamic content associated with the televised sporting events).

26. As for **Claim 27**, Ward et al. teach the data provider creates dynamic content associated with televised music items (see Fig. 4 unit 190 MTV Spice Girls Concert Tonight. It is interpreted that the data provider creates the dynamic content associated with the televised music items).

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27. As for **Claim 28**, Ward et al. teach the data provider creates dynamic content associated with televised news items (see page 7 lines 30-35 “a news article on the current situation in Somalia could be linked to a television program featuring a segment on Somalia.” It is interpreted that the data provider creates dynamic content associated with televised news items).

28. As for **Claim 29**, Ward et al. teach the data provider creates dynamic content associated with televised movies (see page 13 lines 26-29 “a particular movie listing might be linked to an upcoming Siskel & Ebert television program reviewing the selected movie.” It is interpreted that the data provider creates the dynamic content associated with televised movies.).

29. As for **Claim 30**, Ward et al. teach a method for delivering broadcast television programming related to sporting events and associated enhanced content (see page 8 line 34 – page 9 line 4 “according to one embodiment, scores of various sporting events and other sports related information to be stored in the sports database are transmitted in data packets through the VBI lines of a television channel broadcast along with their corresponding IDs”) comprising the steps of:

delivering broadcast television programming relating to sporting events (see page 8 line 34 – page 9 line 4 “according to one embodiment, scores of various sporting events and other sports related information to be stored in the

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sports database are transmitted in data packets through the VBI lines of a television channel broadcast along with their corresponding IDs”);

generating dynamic content concerning the occurrence of events in the broadcast television programming (the scores of the various programs is interpreted to be a dynamic content concerning the occurrence of events in the broadcast television programming);

assigning an event identifier to the dynamic content (see Fig. 6 unit 212 Sport Category is interpreted to be an event identifier that is assigned to the dynamic content);

associating the content of one of the programs in the broadcast television programming to create a tunable alert (see page 11 lines 30-32 “When the commercials are over and the game has resumed, the viewer is alerted to this fact either visually or by audio. The viewer may then manually switch back to the channel broadcasting the game, or **the television may be configured to automatically tune to the channel**” The alert is a tunable alert when the television is automatically configured to tune to the channel showing the sporting event); and

delivering the tunable alert together with the broadcast television programming to one or more client devices (see page 11 lines 30-32 “When the commercials are over and the game has resumed, the viewer is alerted to this fact either visually or by audio. The viewer may then manually switch back to the channel broadcasting the game, or **the television may be configured to automatically tune to the channel**” The alert is a tunable alert when the

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television is automatically configured to tune to the channel showing the sporting event).

30. As for **Claim 31**, Ward et al. teach:

creating a listing of a plurality of sporting events (see Fig. 6 unit 212

Sports categories are interpreted to be a listing of a plurality of sporting events);

assigning an event identifier to at least respective ones of the sporting events to create an enhanced sports television schedule (see Fig. 6 unit 212

Sport category. The names of the sport categories such as Baseball and Basketball are interpreted to be event identifiers respective to sporting events.

The Score board of Fig. 6 is interpreted to be part of an enhanced sports television schedule); and

delivering the enhanced sports television schedule to one or more client devices (see page 8 line 34 – page 9 line 4 “according to one embodiment, scores of various sporting events and other sports related information to be stored in the sports database are transmitted in data packets through the VBI lines of a television channel broadcast along with their corresponding IDs”);

31. As for **Claim 32**, Ward et al. teach:

periodically updating the enhanced sports television schedule (see page 9 lines 24-26 “if a touchdown is made by a team, the information box 184 provides who made the touchdown. The information in box is constantly updated as a new event occurs”); and

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delivering an updated enhanced sports television schedule to one or more client devices (see page 9 lines 24-26 "if a touchdown is made by a team, the information box 184 provides who made the touchdown. The information in box is constantly updated as a new event occurs"). It is interpreted that the updated sports schedule is delivered to one or more client devices.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al. WO 00/33576.

32. As for **Claim 21**, Ward et al. do not expressly teach the set of priority attributes includes four priority levels. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of using an arbitrary priority levels are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify Ward by setting four priority levels. One of ordinary skill in the art at the time the

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invention was made would have been motivated to have four priority levels in the event a user has four top favorite sport categories.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirubel Aklilu whose telephone number is 571-272-7342. The examiner can normally be reached on 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelly can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA
7/20/05


NGOC-YEN VU
PRIMARY EXAMINER